

IN THE MATTER OF THE APPLICATION OF RICHARD A. JONES FOR A SPECIAL EXCEPTION AND ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTH EAST SIDE OF DUNDALK AVENUE, 300' SOUTHEAST OF THE CENTER-LINE OF SOLLERS POINT ROAD (7910 DUNDALK AVENUE) 12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

#### OPINION

This matter comes before the Board as an appeal by the Petitioner/Appellant, Richard A. Jones, from a decision by the Zoning Commissioner dated June 26, 1989. Within his decision, the Zoning Commissioner denied the Appellant's Petition for Special Exception to permit a service garage on the subject property. The Commissioner also denied the Appellant's Petitions for Zoning Variances, which requested relief from the side yard setback requirements, as well as relief from parking requirements.

During the interim period from the filing of the appeal to the hearing before this Board, it was determined that the property was located within the Chesapeake Bay Critical Area. Thus, it was agreed upon by the parties that the subject Petitions be submitted to Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) for evaluation and comment. At the hearing before this Board, it was proffered that extensive negotiations involving all parties interested in the appeal took place. As a result of these discussions, the parties proposed that the Petitions be granted, subject to certain restrictions.

Richard A. Jones, Case No. 89-523-XA

As to the Petition for Special Exception, this Board is required to consider same in accordance with Section 502.1 of the Baltimore County Zoning Regulations (BCZR). There was testimony proffered by Appellant's Counsel that the Petitioner would testify that the proposal was in compliance with the numerous requirements of Section 502.1 of the BCZR. Specifically, that the proposal would not be detrimental to the health, safety, and general welfare of the area nor adversely affect the subject locale. In addition to the Petitioner's testimony in this respect, the Board also received the proffered testimony of Norman E. Gerber, a zoning/planning expert, who was present at the hearing. Mr. Gerber also believes that the Special Exception should be granted and that same complies with the requirements of Section 502.1 of the BCZR. In addition to the proffered testimony, the Board has examined Petitioner's Exhibit No. 1, the site plan for this project, which also shows the subject locale. Based upon the above cited proffers, as well as a review of Petitioner's Exhibit No. 1, we believe that the proposed use is ideal for this site. That is, the building that will house this site is an older structure which is within close proximity of other commercial uses as well as utility easements and a pumping station operated by Baltimore County. Thus, we do not believe that this proposal would have an adverse impact above and beyond that inherently associated with such a use. Thus, the use complies with the test determined by the

Richard A. Jones, Case No. 89-523-XA

Appellate Courts of this state in Schultz v. Pritts, 432 A.2d 1319 (1981).

As to the proposed variances, we believe that they should be granted as well. The proffered testimony before us disclosed that the building which will house the proposed service garage encompasses nearly the entire property. This building in fact predates the adoption of zoning regulations within Baltimore County. Based upon that testimony, we believe that the Petitioner has satisfied the requirements of Section 307 of the BCZR and that the variances should be granted.

Notwithstanding our decision, we are likewise persuaded that certain restrictions proposed by DEPRM through the Office of People's Counsel for Baltimore County should be imposed with the granting of this Special Exception. In our view, these reasonable restrictions will insure a safe operation of this facility, consistent with the spirit and intent of the County regulations. Thus, we shall grant the Petitions for Special Exception and Variances, with restrictions and will so order.

#### ORDER

Upon the foregoing Opinion, it is this 26th day of June, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception for a service garage be and the same is hereby GRANTED subject to the following restrictions:

Richard A. Jones, Case No. 89-523-XA

1. That the proposed earth dike and stone outlet structure not be built, but that additional trees and shrubs be planted in its place.
2. That a Forest Establishment Plan, provided by the Chesapeake Bay Watershed Forester, and a Forest Establishment Agreement be signed within 90 days.
3. That a letter be obtained from Baltimore County's Department of Recreation and Parks allowing the use of the property for the establishment of the trees.
4. That all toxic and hazardous materials including solids, liquids, and/or gas used or generated in the operation of the service garage shall be properly disposed of in accordance with the recommendation of Baltimore County's Division of Waste Management and the Department of Environmental Protection and Resource Management.

AND, IT IS FURTHER ORDERED that the Petition for Variance from Section 409.6.A.2. to permit 22 off-street parking spaces in lieu of the minimum 36 and the Petition for Variance from Section 232.2.b to permit side yard setbacks of 5' (East) and 5' (West) in lieu of the minimum 10' be and are hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Lynn B. Moreland

John G. Disney



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180  
June 26, 1990

S. Eric DiNenna, Esquire  
DiNenna, Mann & Breschi  
P.O. Box 10508  
Towson, Maryland 21285-0508

Re: Case No. 89-523-XA (Richard A. Jones)

Dear Mr. DiNenna:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Linda Lee M. Kuszmaul  
Linda Lee M. Kuszmaul  
Legal Secretary

Enclosure

cc: Mr. Richard A. Jones  
Mr. Joseph Ewing  
Ms. Sharon Gard  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCES - NE/S DUNDALK AVENUE, 300' SE OF THE c/l of Sollers Point Road (7910 DUNDALK AVENUE) 12th Election District 7th Councilmanic District

Richard A. Jones  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a service garage on the subject property and variances to permit 22 off-street parking spaces in lieu of the required 36, and side yard setbacks of 5 feet for the east side and 6 feet on the west side, both in lieu of the required 10 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as a Protestant in the matter was Joseph Ewing on behalf of the Watersedge Improvement Association.

Testimony indicated that the subject property, known as 7910 Dundalk Avenue, is located within the Chesapeake Bay Critical Areas, and consists of 0.409 acres more or less zoned B.L.-C.N.S. Said property is currently improved with a strip shopping center. Petitioner testified the property was originally split zoned D.R. 5.5 and B.L.-C.N.S. until he was granted a reclassification and the property was rezoned to all B.L.-C.N.S. Testimony indicated the shopping center once consisted of a grocery store and liquor store in the front, a seafood warehouse in the center, and a movie theatre in the rear. Petitioner testified the front section is still used as a grocery store and liquor store operation while the center and rear portions of the building are currently vacant. Petitioner propos-

es operating a automotive body and fender repair shop out of the center section and using the rear portion of the building for the storage of damaged and disabled vehicles awaiting repair. Testimony indicated that if the relief were granted in the special exception, variances would be required to bring the property in compliance with the zoning regulations.

Mr. Ewing testified in general opposition to the use proposed. He indicated that a service garage at this location would result in traffic congestion at the entrance to the site and parking congestion on the streets nearby due to the layout of the property. He further testified that the area presently experiences flooding problems from storm water runoff and that the use proposed would only aggravate existing problems.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner did not produce any evidence or testimony in support of the relief requested. Petitioner's testimony did not address the requirements set forth in Section 502.1 with respect to special exception requests and was unable to show that the use proposed would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. There was no evidence or testimony to show that the proposed use at the particular location described by Petitioner's Exhibit 1 would not have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

In the opinion of the Zoning Commissioner, Petitioner has not met his burden of proof that the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2, 502.1 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.). There was no evidence or testimony presented to indicate that the relief requested would not adversely affect the health, safety, and/or general welfare of the public, or that strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Petitioner has failed to present facts and evidence which would tend to establish that some special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. Petitioner must prove that the granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the relief requested must be in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conform to the requirements as set forth in Section 500.14 of the B.C.Z.R. The Petitioner's evidence does not establish any of the legal standards set forth above, and therefore, the requested relief cannot be granted.



Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, it appears that the requirements of Sections 307, 500.14 and 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the Petitions for Special Exception and Zoning Variance should be denied.

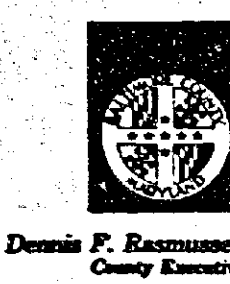
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June, 1989 that the Petition for Special Exception to permit a service garage on the subject property, and the Petition for Zoning Variance to permit 22 off-street parking spaces in lieu of the required 36, and side yard setbacks of 5 feet for the east side and 6 feet on the west side, both in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 1, be and are hereby DENIED.

J. Robert Haines  
Zoning Commissioner for Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

June 26, 1989



Mr. Richard A. Jones  
3492 Loganview Drive  
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
NE/S Dundalk Avenue, 300' SE of the c/l of Sollers Point Road  
(7910 Dundalk Avenue)  
12th Election District - 7th Councilmanic District  
Richard A. Jones - Petitioner  
Case No. 89-523-XA

Dear Mr. Jones:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Redcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Joseph Ewing  
Watersedge Improvement Association  
8245 Peach Orchard Road, Baltimore, Md. 21222

People's Counsel

File

Chesapeake Bay Critical Areas Commission  
Towes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
AND VARIANCE : OF BALTIMORE COUNTY  
NE/S Dundalk Ave., 300' SE of :  
C/L of Sollers Pt. Rd. (7910 :  
Dundalk Ave.), 12th Election :  
Dist.; 7th Councilmanic Dist. :  
RICHARD A. JONES, Petitioner : Case No. 89-523-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

RECEIVED  
JUN 24 1989  
ZONING OFFICE

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 23rd day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to Richard A. Jones, 3492 Loganview Drive, Dundalk, MD 21222, Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-523-XA CRITICAL AREA

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to have the herein described property for 230.13 - a garage, service.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature

Address (Type or Print Name) Signature

City and State Signature

Attorney for Petitioner: (Type or Print Name) Signature

Address (Type or Print Name) Signature

City and State Signature

Attorney's Telephone No.: Address Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State Name

Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of June, 1989, at 11 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE 89-523-XA  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: CRITICAL AREA #392

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6.1.2 To permit a total of 22 off-street parking spaces in lieu of the minimum 36 and 232.2 ft. to permit side yard setbacks of 5' (East) and 6' (West) in lieu of the minimum 10'.

parking spaces in lieu of the minimum 36 and 232.2 ft. to permit side yard setbacks of 5' (East) and 6' (West) in lieu of the minimum 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

BUILDING ALREADY EXISTS AND BECAUSE OF THE SHAPE OF LOT THE SETBACK'S AND PARKING CANNOT BE MET. THE COMPREHENSIVE PLANNER REZONED TO COMMERCIAL.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature

Address (Type or Print Name) Signature

City and State Signature

Attorney for Petitioner: (Type or Print Name) Signature

Address (Type or Print Name) Signature

City and State Signature

Attorney's Telephone No.: Address Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State Name

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11th day of June, 1989, at 11 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th  
Posted for: Special Exception & Variance  
Petitioner: Richard A. Jones  
Location of property: NE/S Dundalk Ave., 300' SE of Sollers Pt. Rd.  
Location of Sign: 7910 Dundalk Ave.  
Remarks: Certificate of Posting for Special Exception & Variance  
Posted by: [Signature]  
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989

THE JEFFERSONIAN,

S. Zake Orlean  
Publisher

PO 13577  
reg M30914  
co 89-523-XA  
price \$ 43.34

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222 May 25, 19 89

THIS IS TO CERTIFY, that the annexed advertisement of Robert Haines in the matter of Zoning Hrgs. Case # 89-523-XA - P.O. #12576 - Reg. #M30915 - 83 lines @ \$41.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 26th day of May 19 89; that is to say, the same was inserted in the issues of May 25, 1989

Kimbel Publication, Inc.

per Publisher.

By K.C. Oller



Richard Jones  
CASE NO 89-523-XA  
WANTS TO ENTER AN APPEAL  
TO  
J. ROBERT HAINES  
6/30/89

RICHARD A. JONES  
3492 LOGANVIEW RD.  
BALTO., MD 21222

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 6/30/89 ACCOUNT 20107000  
AMOUNT \$ 205.00  
RECEIVED FROM RICHARD JONES (Last Name)  
FOR: MISCELLANEOUS FUND - CASE # 89-523-XA  
P. J. [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

RECEIVED  
PAYMENT  
6-30-89 (OK CW)  
ZONING OFFICE

## Tracking System

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning

Date	Receipt	FEE	TYPE	Identification Number	Council Dist	Election Dist	Zip Code
Day Month Year	Number						
17 03 89	067423	07	01	-C1571224			

Petitioner: Jones (Last) Richard (First) A. (Middle Initial)  
Property Address: 7910 Dundalk Ave (Number) (Street)

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 6/30/89 ACCOUNT 20107000  
AMOUNT \$ 500.00  
RECEIVED FROM RICHARD JONES (Last Name)  
FOR: MISCELLANEOUS FUND - CASE # 89-523-XA  
P. J. [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 6/22/89 ACCOUNT P-01615-000  
AMOUNT \$ 114.84  
RECEIVED FROM Richard A. Jones  
FOR: P.A. 6/21/89 Haines 89-523-XA  
P. J. [Signature]  
VALIDATION OR SIGNATURE OF CASHIER

89-523-XA  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
5th day of April, 1989.

J. Robert Haines  
ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Richard A. Jones  
Petitioner's Attorney: [Signature]  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 6/9/89

Mr. Richard A. Jones  
3492 Loganview Drive  
Dundalk, Maryland 21222

Re: Petitions for Special Exception and Zoning Variance  
CASE NUMBER: 89-523-XA  
NE/S Dundalk Avenue, 300 ft. SE of c/l of Sollers Point Road  
7910 Dundalk Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): Richard A. Jones  
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 11:00 a.m.

Dear Mr. Jones:  
Please be advised that \$114.84 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

May 15, 1989

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance  
CASE NUMBER: 89-523-XA  
NE/S Dundalk Avenue, 300 ft. SE of c/l of Sollers Point Road  
7910 Dundalk Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): Richard A. Jones  
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 11:00 a.m.

Special Exceptions A garage, service.  
Variances to permit a total of 22 off-street parking spaces in lieu of the minimum 36 and to permit side yard setbacks of 5 ft. (east) and 6 ft. (west) in lieu of the minimum 10 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: Richard A. Jones  
File



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180 887-3180

HEARING ROOM -  
Room 301, County Office Bldg.

September 27, 1989  
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-523-XA RICHARD A. JONES, NE/S Dundalk Avenue, 300' SE of the c/l of Sollers Point Rd. (7910 Dundalk Ave.) 12th Election District 7th Councilmanic District

SE: Service Garage  
VAR: 22 parking spaces in lieu of 36; side yard setbacks  
6/26/89 - Z.C.'s Order DENYING Petitions

ASSIGNED FOR: THURSDAY, FEBRUARY 15, 1990 at 10:00 a.m.

cc: Richard A. Jones, Appellant

Joseph Ewing (Watersedge Improvement Association)  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

PP to 3/6/90  
@ 11:30 PM.  
ref. by 4/1/89  
for Appellant.

LindaLee M. Kuszmaul  
Legal Secretary



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180 887-3180

HEARING ROOM - Room 301  
County Office Building

January 18, 1990  
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-523-XA RICHARD A. JONES  
NE/S Dundalk Avenue, 300' SE of the c/l of Sollers Point Road (7910 Dundalk Avenue)  
12th Election District; 7th Councilmanic District  
SE - Service Garage  
VAR - 22 parking spaces in lieu of 36; side yard setbacks  
6/26/89 - Z.C.'s Order DENYING Petitions.

which had been scheduled for hearing on Thursday, February 15, 1990 has been POSTPONED at the request of Counsel for Appellant /Petitioner due to existing court conflict; and has been

REASSIGNED FOR: TUESDAY, MARCH 6, 1990 at 1:30 p.m.

cc: Richard A. Jones, Appellant /Petitioner  
S. Eric DiNenna, Esquire, Counsel for Appellant /Petitioner  
Mr. Joseph Ewing (Watersedge Imp. Assn.), Protestant

People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

RECEIVED  
JAN 19 1990  
ZONING OFFICE

Kathleen C. Weidenhammer  
Administrative Assistant



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180 887-3180

HEARING ROOM - Room 301  
County Office Building

January 18, 1990  
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-523-XA RICHARD A. JONES  
NE/S Dundalk Avenue, 300' SE of the c/l of Sollers Point Road (7910 Dundalk Avenue)  
12th Election District; 7th Councilmanic District  
SE - Service Garage  
VAR - 22 parking spaces in lieu of 36; side yard setbacks  
6/26/89 - Z.C.'s Order DENYING Petitions.

which had been scheduled for hearing on Thursday, February 15, 1990 has been POSTPONED at the request of Counsel for Appellant /Petitioner due to existing court conflict; and has been

REASSIGNED FOR: TUESDAY, MARCH 6, 1990 at 1:30 p.m.

cc: Richard A. Jones, Appellant /Petitioner  
S. Eric DiNenna, Esquire, Counsel for Appellant /Petitioner  
Mr. Joseph Ewing (Watersedge Imp. Assn.), Protestant

People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

PP to 4/15/90  
11:00 AM  
no further PP

Kathleen C. Weidenhammer  
Administrative Assistant



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

HEARING ROOM -  
Room 301, County Office Building

APPEAL HEARINGS SCHEDULED FOR THE  
WEEK OF FEBRUARY 12, 1990

TUESDAY 2/13/90 10:00 (CASE NO. CBA-89-152 POSTPONED - NO RESET DATE)

TUESDAY 2/13/90 1:00 (CASE NO. CBA-89-153 POSTPONED - NO RESET DATE)

WEDNESDAY 2/14/90 10:00 a.m. GARRISON VALLEY CENTER, INC.  
9600 REISTERSTOWN ROAD  
GARRISON, MARYLAND  
#CBA-89-154  
RE: Denial of Trailer Permit

WEDNESDAY 2/14/90 1:00 p.m. MARY E. HALL, NE/S Hilldale Rd.,  
160' NW of c/l Old Philadelphia Rd.  
1200 Hilldale Rd.  
15th Election District  
7th Councilmanic District  
VAR - Height of satellite dish  
#89-486-A

THURSDAY 2/15/90 10:00 (CASE NO. 89-523-XA POSTPONED TO 3/6/90)

FRIDAY 2/16/90 HEARING ROOM NOT AVAILABLE FOR CBA HEARING

cc: Executive Office  
County Council  
Law Office  
People's Counsel  
Planning Office  
Current Planning  
Board Members  
Court Reporter  
Information Desks (2)  
Docket Clerk - Zoning

RECEIVED  
FEB 6 1990  
ZONING OFFICE





# County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 434-0220 887-3180

HEARING ROOM -  
Room 301, County Office Building

March 6, 1993

## NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-523-XA

RICHARD A. JONES  
NE/S Dundalk Avenue, 300' SE of the c/l  
of Sollers Point Road (7910 Dundalk Avenue)  
12th Election District; 7th Council District  
SE - Service Garage  
VAR - 22 parking spaces in lieu of 36; side yard setbacks  
6/26/89 - D.C.'s Order which DENIED Petitions

which had been assigned for hearing on Tuesday, March 6, 1993 was POSTPONED ON THE RECORD and reassigned to Friday, June 15, 1993; no further postponements to be granted except in extraordinary circumstances; and has been

REASSIGNED FOR: FRIDAY, JUNE 15, 1993 at 11:00 A.M.

cc: Eric DiNenna, Esquire Counsel for Appellant/Petitioner  
Richard A. Jones Appellant/Petitioner  
Mr. Joseph Ewing Protestor  
(Watersedge Improvement Assn.)

People's Counsel for Baltimore County *James E. Dyer*

P. David Fields

Pat Keller

J. Robert Haines

Ann M. Nastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

Ms. Sharon Gard

Elizabeth C. Weidenhammer  
Administrative Assistant

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 7, 1989

COUNTY OFFICE BLDG.  
111 W. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

000

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Richard A. Jones  
3992 Logansview Drive  
Dundalk, MD 21222

RE: Item No. 392, Case No. 89-523-XA  
Petitioner: Richard A. Jones  
Petition for Zoning Variance and Special Exception

Dear Mr. Jones:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINKLER. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED  
JUN 6 1989  
ZONING OFFICE

TO: Mr. J. Robert Haines  
Zoning Commissioner

DATE: May 9, 1989

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - *Item 392*  
Richard Jones Property

### SITE LOCATION

The subject property is located at 7910 - 7916 Dundalk Avenue in Dundalk. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

### APPLICANT PROPOSAL

The site consists of an existing 8,000+ square foot building on a 11,700 square foot lot. The front portion of the building is zoned commercial and is currently in use as a liquor and grocery store. The rear portion of the building is zoned residential and is vacant.

The applicant proposes rezoning the rear portion of the building to commercial zoning and using it as a service garage.

The applicant has requested a Zoning Variance from Section 409.6.A.2. of the 1981 Baltimore County Zoning Regulations, "To permit a total of 22 off-street parking spaces in lieu of the minimum 36; Section 232.2.b. to permit side yard setbacks of 5' (East) and 6' (West) in lieu of the minimum 10'; and Section 230.13 to permit a service garage".

### GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a findings which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and

Mr. J. Robert Haines  
May 9, 1989  
Page 2

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

### REQUIREMENTS AND FINDINGS

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loading by 10% of the on-site level prior to new development or redevelopment." <Balto. Co. Code Sec. 22-217>

"Development means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures" <COMAR 14.15.01.01 (21)>

"Redevelopment means the process of developing land which is or has been developed" <COMAR 14.15.01.01 (57)>

Finding: The applicant's proposal to change the existing zoning from residential to commercial represents a "substantial alteration" of the land use permitted on the property and therefore is "considered development in accordance with the above definition."

New development and redevelopment within IDA's shall reduce pollutant loadings by 10% of the on-site level prior to new development or redevelopment.

Conclusion: The above finding indicates that this request for a zoning variance cannot be approved until the applicant submits data complying with the 10% pollutant removal regulation.

Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

*Robert W. Sheesley*  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:KLC:ju  
Attachment

cc: The Honorable Ronald B. Hickernell  
The Honorable Norman R. Lauenstein  
The Honorable Dale T. Volz

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4000

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Re: Property Owner: Richard A. Jones

Location: NE/S of Dundalk Ave, 300' SE of centerline of Sollers Point Road

Item No.: 392

Zoning Agenda: April 4, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 7-31-89 Noted and Approved: *Paul H. Reincke*  
Fire Prevention Bureau  
Special Inspection Division

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for April 4, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 274, 359, 383, 389, 392, 393, 394, 395, 396, and 398. Comments are attached for Items 384 and 397.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encls.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: June 21, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-523-XA  
Item No. 392

Re: Richard Jones

The Petitioner requests a special exception for a service garage and variances to allow 22 parking spaces in lieu of the required 36 spaces and side yard setbacks for an existing building. In reference to these requests staff offers the following comments:

The granting of the proposal with normal restrictions as determined by the Zoning Commissioner would not negatively impact the community.

A landscape plan must be approved prior to the issuance of any building permit. A note should be included on the plan indicating that any landscaping provided in the public right of way shall be maintained by the property owner.

A:62189.txt Pg.3

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(301) 887-3354

April 25, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item: 392  
Property Owner:  
Location:

Existing Zoning:  
Proposed Zoning:

Area:  
District:

Z.A.C. April 4, 1989  
Richard A. Jones  
NE/S of Dundalk Avenue, 300' S.E. of  
centerline of Sollers Point Road.  
B.L.-C.N.S.  
Special Exception for a garage service.  
Variances to permit a total of 22 off-street  
parking spaces in lieu of the minimum 36  
and to permit side yard setbacks of 5'  
(east) and 6' (west) in lieu of the  
minimum 10'.

Dear Mr. Haines:

The requested variance to parking can be expected to cause parking problems in the area.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lw

RECEIVED  
APR 28 1989  
ZONING OFFICE



Baltimore County Department of Environmental Protection and Resource Management  
 Zoning Commissioner  
 Office of Planning and Zoning  
 County Office Building  
 Towson, Maryland 21204  
 Zoning Item # 392, Zoning Advisory Committee Meeting of April 4, 1989  
 Property Owner: Sid Silbert et al  
 Location: 145 E. Dundalk Ave., 300' SE of intersection of Sollers Point Road District: 12  
 Water Supply: metro Sewage Disposal: metro  
 COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewer facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-5500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Recreational and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to raising of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.  
 ( ) The results are valid until \_\_\_\_\_  
 ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
 ( ) shall be valid until \_\_\_\_\_  
 ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a hydrogeological study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-1242.
- ( ) Others Drainage from interior service boxes is to be directed to sanitary sewer via oil separator.

*J.P. Zwick*  
 BUREAU OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Baltimore County  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Towson, Maryland 21204  
 J. Robert Haines  
 Zoning Commissioner

August 7, 1989

Baltimore County Board of Appeals  
 County Office Building, Room 315  
 Towson, Maryland 21204

RE: Petition for Special Exception and Zoning Variance  
 NE/S Dundalk Avenue, 300' SE of the c/i of Sollers Point Road  
 (7910 Dundalk Avenue)  
 12th Election District, 7th Councilmanic District  
 RICHARD A. JONES - Petitioner  
 Case No. 89-523-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 30, 1989 by Richard A. Jones, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
*J. Robert Haines*  
 J. ROBERT HAINES  
 Zoning Commissioner

JRH:rcr  
 Enclosures  
 cc: Richard A. Jones, 3492 Loganview Drive, Balto., MD 21222  
 Joseph Ewing (Watersedge Improvement Association)  
 8245 Peach Orchard Road, Balto., MD 21222  
 People's Counsel of Baltimore County  
 Rm. 304, County Office Bldg., Towson, Md. 21204  
 File

9/27/89 - Following parties notified of hearing set for February 15, 1990 at 10:00 a.m.:

Richard A. Jones  
 Joseph Ewing  
 People's Counsel for Baltimore County  
 P. David Fields  
 Pat Keller  
 J. Robert Haines  
 Ann M. Nastarowicz  
 James E. Dyer  
 W. Carl Richards, Jr.  
 Docket Clerk - Zoning  
 Arnold Jablon

1/18/90 - Request for Postponement filed by S. Eric DiNenna on behalf of Appellant / Petitioner; entry of appearance as Counsel for Appellant / Petitioner.  
 Postponement GRANTED; Notice of Postponement and Reassignment sent this date to above and S. Eric DiNenna reassigning hearing date to Tuesday, March 6, 1990 at 1:30 p.m.

3/06/90 - Postponed on the record to agreed upon date of June 15, 1990 at 11:00 a.m.; no further postponements to be granted except in extraordinary circumstances. Notice of PP and Reassignment sent to above parties re hearing reassigned to Friday, June 15, 1990 at 11:00 a.m. (also to Sharon Gard)

Baltimore County  
 Department of Recreation & Parks  
 301 Washington Avenue  
 Towson, Maryland 21204  
 (301) 887-3817  
 (301) 887-5319 (Deaf/TDD)  
 Robert R. Stab  
 Director

June 6, 1990

Richard A. Jones  
 c/o W. Duvall & Associates, Inc.  
 530 E. Joppa Road  
 Towson, Maryland 21204

Dear Mr. Jones:

The Baltimore County Department of Recreation and Parks authorizes you and your agents to install plantings on the Baltimore County owned park as per your submitted documents as required by Forrest Establishment guidelines.

You or your agents are also granted access to the park as needed to complete any needed maintenance of the plantings.

Sincerely,  
*Neil C. Magness*  
 Neil C. Magness, Program Coordinator  
 Baltimore County Department of Recreation and Parks

NCH:pad  
 cc: Tammy Hinkle  
 Jerry Crowell  
 William Spells

County Board of Appeals of Baltimore County  
 COUNTY OFFICE BUILDING, ROOM 315  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180

July 24, 1990

S. Eric DiNenna, Esquire  
 DINENNA, MANN & BRESCHI  
 P.O. Box 10508  
 Towson, MD 21285-0508

RE: Case No. 89-523-XA  
 Richard A. Jones, et al

Dear Mr. DiNenna:

On July 16, 1990, the exhibits in the subject case were inadvertently returned to you via correspondence which indicated that this case has been closed by the Board.

This letter is to advise you that the 30-day appeal period in this matter runs through July 26, 1990. At that time, should the appeal be taken from the Board's decision, we will then close the file. The exhibits forwarded to you need not be returned at this time, but those exhibits would be needed by this office should an appeal be taken.

Should you have any questions, please call me at 887-5180.

Sincerely,  
*Kathleen C. Weidenhammer*  
 Kathleen C. Weidenhammer  
 Administrative Assistant

cc: Mr. and Mrs. Richard A. Jones

Baltimore County  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Towson, Maryland 21204  
 (301) 887-3053  
 J. Robert Haines  
 Zoning Commissioner

November 1, 1990

Jeff Mutlu  
 7910 Dundalk Avenue #C  
 Baltimore, Maryland 21222  
 212-9343 (w) 212-7108, 285-1750

Dear Mr. Mutlu:

We are holding your application for processing a zoning verification from the Motor Vehicle Administration for a wholesale dealers license.

The site in question, Dundalk Avenue Service Garage, 7910 Dundalk Avenue #C, Watersedge, Baltimore, was subject of a zoning hearing (special exception and variance) Case 889-523-XA. The Zoning Commissioner's decision was appealed to the County Board of Appeals who granted the request with four conditions.

I suggest you speak to the owner/applicant, Mr. Richard A. Jones. Proof of the compliance to conditions 1 thru 3 must be submitted to the Zoning Office Development Control Division before the issuance of any permits or approvals.

- 1) A revised site plan eliminating proposed earth dike and stone outlet structure, showing proposed location and type of additional trees;
- 2) copy of signed Forest Establishment Agreement; and
- 3) letter from Baltimore County Department of Recreation and Parks giving permission for use of the property to plant trees.

Very truly yours,  
*Laurence J. Goetz*  
 Laurence J. Goetz  
 Planning & Zoning Associate

LJG/jat  
 cc: Richard Jones, 3492 Logan View Drive, Baltimore, Md. 21222  
 David Flowers, DEPRM, Critical Areas  
 89-523A

DINENNA, MANN & BRESCHI  
 ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
 JAMES L. MANN, JR., P.A.  
 GEORGE A. BRESCHI, P.A.  
 GERALDINE A. KLAUBER  
 FRANCIS X. BONGERDING

SUITE 600  
 MERCANTILE TOWSON BUILDING  
 400 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 296-6630  
 TELEFAX (301) 296-6664

January 16, 1990

County Board of Appeals  
 County Office Building  
 Towson, Maryland 21204

RE: My File No.: 90-5  
 Petitioner: Richard Jones

Dear Mr. Chairman:

This is to confirm my conversation with your office wherein the above captioned matter has been postponed from February 15, 1990 to March 6, 1990 at 1:30 p.m.

My request for this postponement is because of a prior court appearance.

This is to formally advise you that I represent the Petitioners in this matter.

Thank you for your cooperation.

Very truly yours,  
*S. Eric DiNenna*  
 S. ERIC DINENNA

SED:gak  
 cc: Mr. and Mrs. Richard Jones

DINENNA, MANN & BRESCHI  
 ATTORNEYS AT LAW

S. ERIC DINENNA, P.A.  
 JAMES L. MANN, JR., P.A.  
 GEORGE A. BRESCHI, P.A.  
 GERALDINE A. KLAUBER  
 FRANCIS X. BONGERDING, JR.

SUITE 600  
 MERCANTILE TOWSON BUILDING  
 400 WASHINGTON AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 296-6630  
 TELEFAX (301) 296-6664

May 18, 1990

DEPRM  
 4th Floor, County Courts Building  
 Towson, Maryland 21204

ATTN: Mr. David Flowers

RE: My Client: Richard Jones  
 Special Exception & Variance  
 Request  
 Case No.: 89-523-XA

Dear Mr. Flowers:

Pursuant to our conversation and the conversations in the continuance of the matter by the Board of Appeals, enclosed herewith please find the appropriate information and plans for your approval in accordance with the Chesapeake Bay Critical Area Legislation.

As you might be aware, this matter is set before the County Board of Appeals on Friday, June 15, 1990.

I would respectfully request that you study same and advise me in writing of your office's position in this matter.

As you are aware, a Special Exception or Variance can be granted by the zoning authorities for Baltimore County without your office's approval. Also, the County Board of Appeals must make its findings.

I appreciate your cooperation and help in this matter.

Very truly yours,  
*S. Eric DiNenna*  
 S. ERIC DINENNA

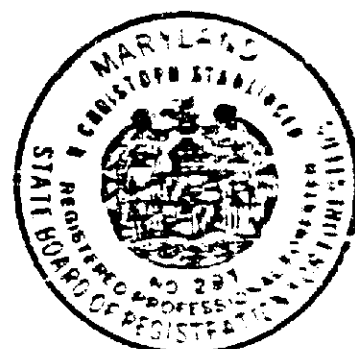
SED:gjc  
 Enclosure  
 cc: County Board of Appeals  
 Phyllis Friedman, People's Counsel  
 Mr. and Mrs. Richard Jones  
 Mr. Norman Gerber



す

Location of Development  
Dundalk Avenue Service Garage  
Baltimore County, Maryland

For compliance with the 10% rule in IDA



Prepared by  
H. Christoph Stuhlinger  
Bay Watershed Forester

July 24, 1990

received  
11-29-77

EX RETAIL PARKING  
 GROCERY STORE - 1558 SF/200 = 8 SPACES REQ'D  
 LIQUOR STORE - 1665 SF/200 = 8 SPACES REQ'D  
 TOTAL  
 16 SPACES  
 PROP. SERVICE GARAGE  
 320 SF/200 = 16 SPACES REQ'D  
 16 SPACES (200 SF/200) INCLUDING BAYS  
 7 SPACES  
 EX. A PROP. USES ARE MINUS 14 SPACES  
 10 SPACES SHOWN  
 1 SPACES

TYPICAL PARKING SPACE  
 NO SCALE

LOCATION MAP

EX. 1  
 EX. 2  
 EX. 3  
 EX. 4  
 EX. 5  
 EX. 6  
 EX. 7  
 EX. 8  
 EX. 9  
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**DUNDALK  
AVENUE  
SERVICE  
GARAGE**

Revised 6-4-90

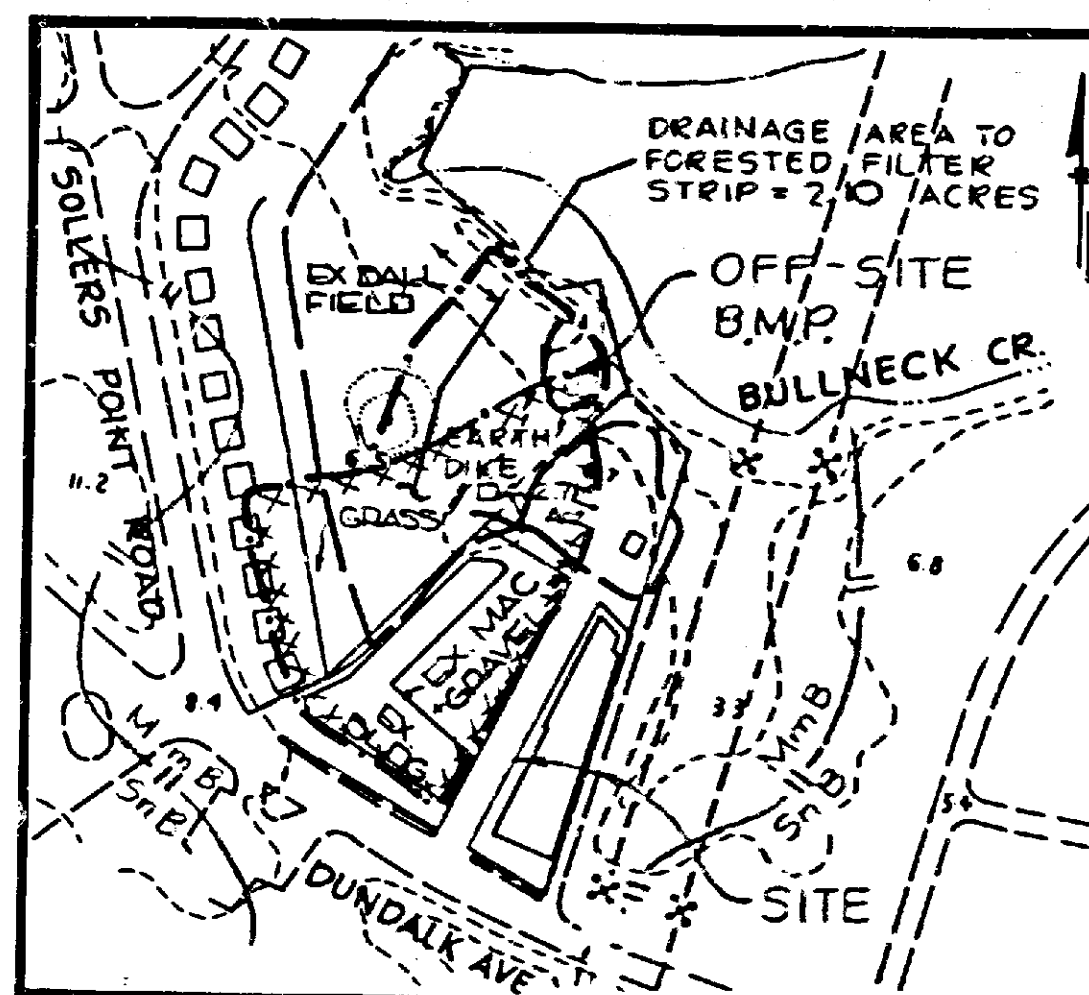


PREPARED BY AIR PHOTOGRAPHICS, INC  
MARTINSBURG, W.V. 25401



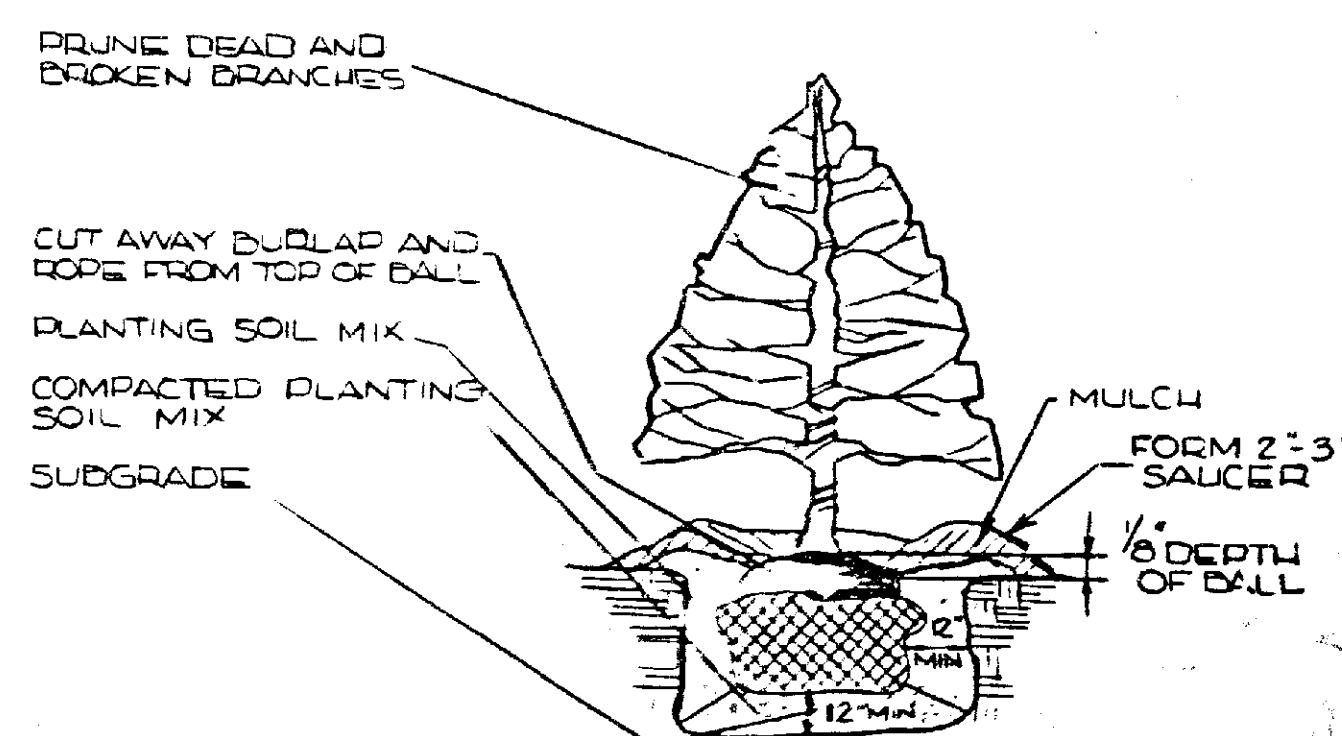






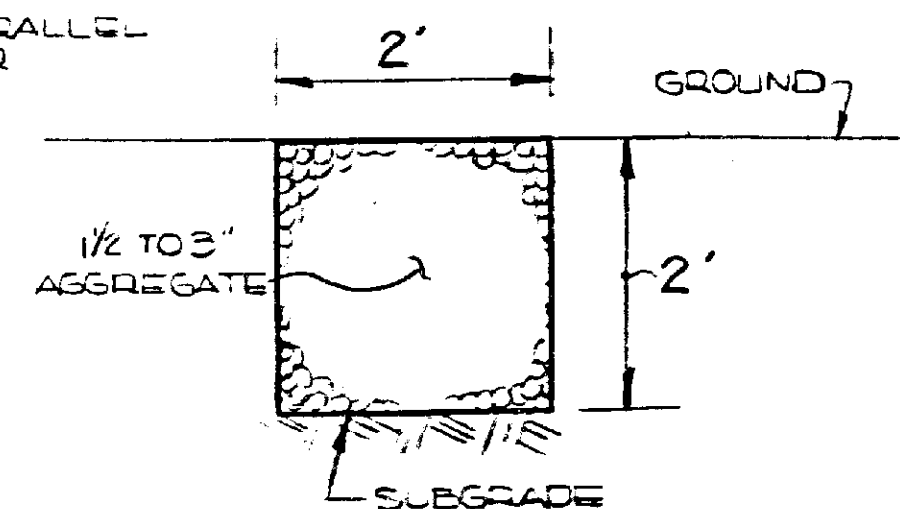
**DRAINAGE AREA MAP**  
SCALE: 1" = 200'

NOTE: ALL WIRE (NON BIODEGRADABLE) PLASTIC BALL TIES SHALL BE REMOVED.



**SHRUB AND TREE PLANTING**  
NOT TO SCALE

NOTE: INSTALL PARALLEL TO CONTOUR.



**LEVEL SPREADER**  
NOT TO SCALE

**LANDSCAPING NOTES**

**Maintenance** - A one-year maintenance and warranty period shall be required.

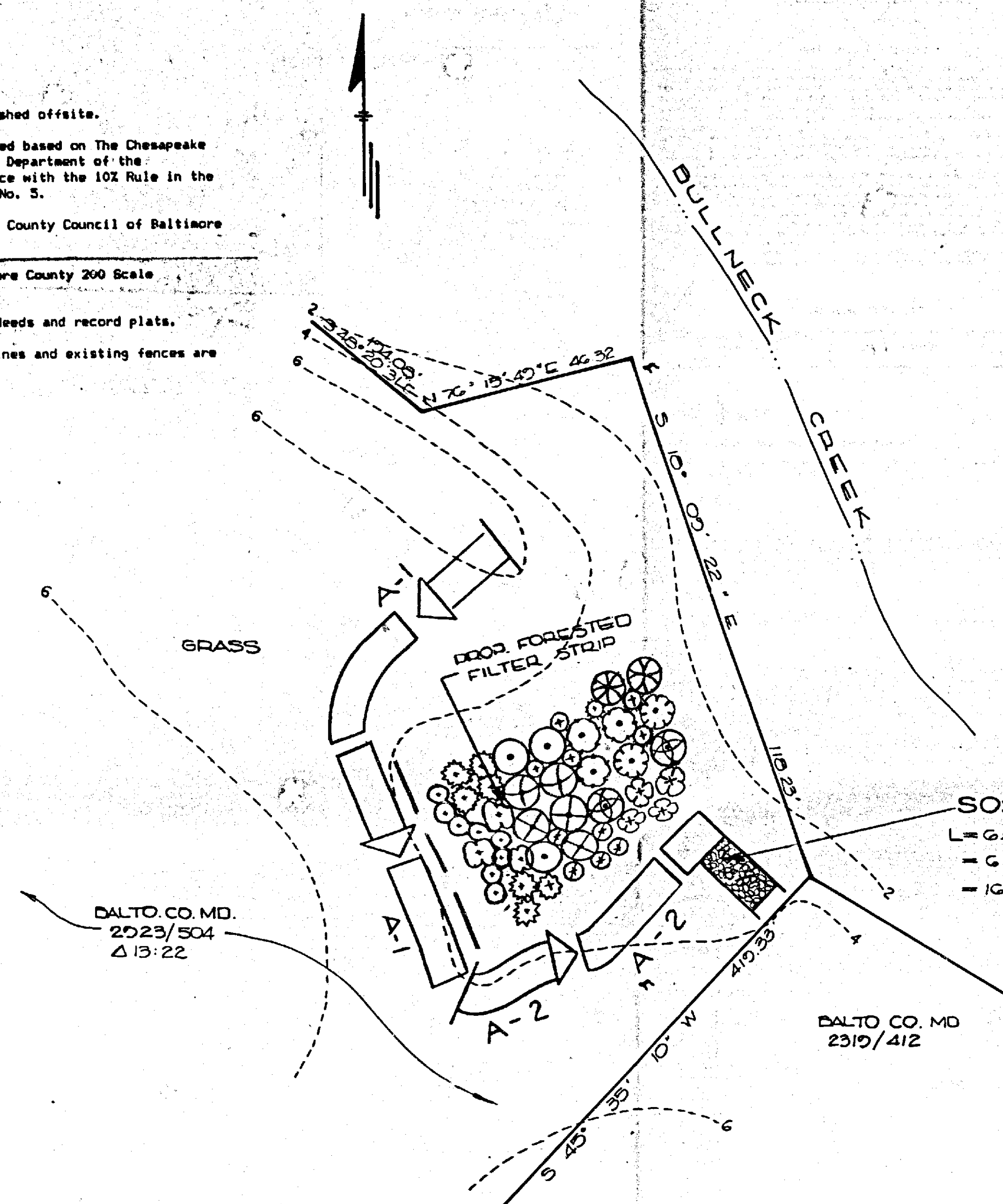
**Plant Material** - All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc. "American Standards for Nursery Stock," latest edition.

**Plant Types** - Plant types have been selected from the Bottomland Moist Association contained in Resolution 14-88. Any change in quantity, spacing and location of plants may require D.E.P.R.M. approval.

**Mulching** - All trees and shrubs shall be mulched a minimum of 18" beyond the edge of the root ball. All shrub masses shall be planted in continuous mulch beds.

**NOTES**

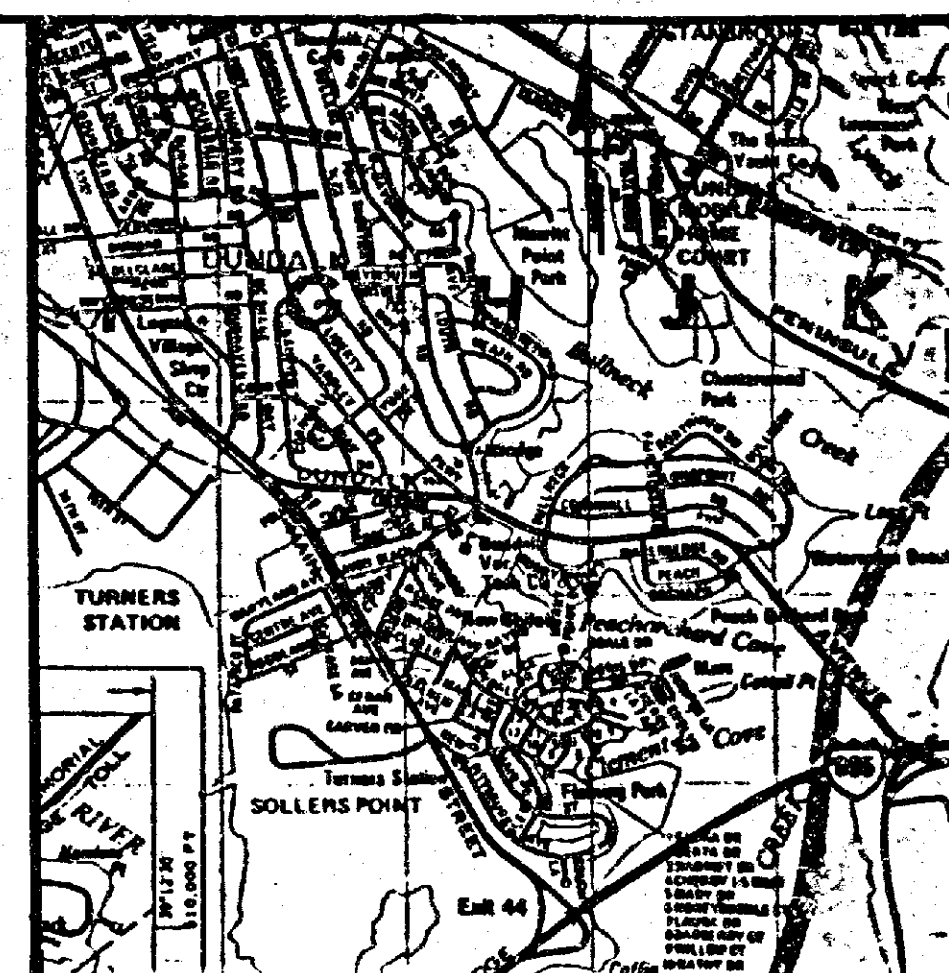
- 0.03 acre forested filter strip to be established offsite.
- The proposed forested filter strip was designed based on The Chesapeake Bay Critical Area Commission and the Maryland Department of the Environment Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area, Guidance Paper No. 3.
- The proposed plantings are in accordance with County Council of Baltimore County, Maryland Resolution 14-88.
- Topography shown hereon is taken from Baltimore County 200 Scale Topography Sheet S.E. 5-F.
- Property lines shown hereon were taken from deeds and record plats.
- Prior to commencing construction, property lines and existing fences are to be established in the field as necessary.



**PLAN**  
SCALE: 1" = 20'

**LEGEND**

- STONE OUTLET STRUCTURE
- LEVEL SPREADER
- EARTH DIKE



**VICINITY MAP**  
SCALE: 1" = 2000'

**TREE LIST**

Symbol	Quantity	Botanical Name/ Common Name	Size and Condition	Spacing
⊗	3	Acer rubrum/ Red Maple	1" - 1 1/2" Cal. B. & B.	8' o.c.
⊕	2	Betula nigra/ River Birch	1" - 1 1/2" Cal. B. & B.	8' o.c.
⊙	2	Carya tomentosa/ Mockernut Hickory	Bare Root Seedling	8' o.c.
⊗	2	Myrica sylvatica/ Black Gum	Whip B. & B.	8' o.c.
⊕	3	Platanus occidentalis/ Sycamore	Bare Root Seedling	8' o.c.
⊗	2	Quercus alba/ White Oak	Whip B. & B.	8' o.c.
⊙	3	Quercus palustris/ Pin Oak	Whip B. & B.	8' o.c.
TOTAL	17			

**SMALL TREE AND SHRUB LIST**

Symbol	Quantity	Botanical Name/ Common Name	Remarks, Size and Condition	Spacing
⊙	3	Clethra alnifolia/ Sweet Pepperbush	12"-18" ht. Container or B. & B.	6' o.c.
⊕	4	Cornus amomum/ Silky Dogwood	Whip B. & B.	6' o.c.
⊙	7	Ilex opaca/ American Holly	1" - 1 1/2" Cal. B. & B.	6' o.c.
⊙	6	Ilex verticillata/ Smooth Winterberry	50% Female, 24" to 30" ht., B. & B.	6' o.c.
⊙	3	Leucothoe racemosa/ Fetter-Bush	12"-18" ht. Container	6' o.c.
⊕	3	Rhododendron viscosum/ Swamp Azalea	12"-18" ht. Container or B. & B.	6' o.c.
⊙	5	Viburnum nudum/ Smooth Witherod	12"-18" ht. Container or B. & B.	6' o.c.
TOTAL	31			

**DUNDALK AVENUE  
SERVICE GARAGE**

(PLAN FOR COMPLIANCE WITH  
THE 10% RULE IN THE CHESAPEAKE  
BAY CRITICAL AREA DESIGNATION,  
IDA)

12<sup>TH</sup> ELECTION DIST. BALTIMORE CO., MD.  
SCALE: AS SHOWN DATE: 5/15/90

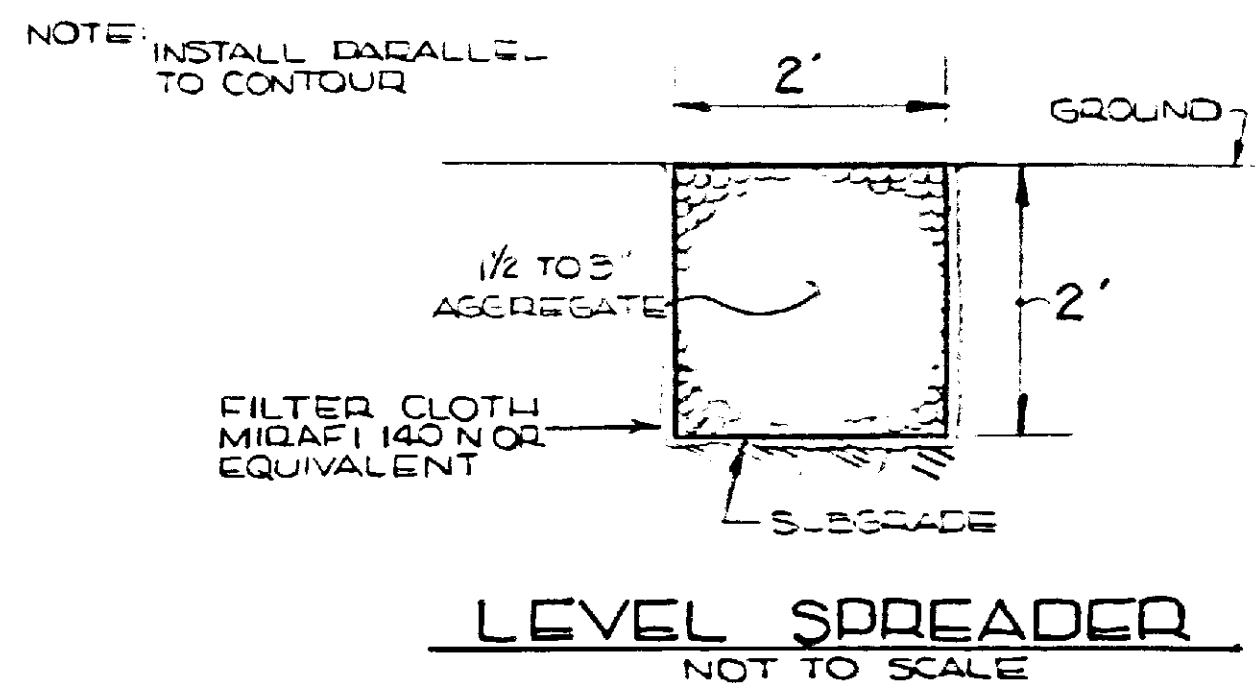
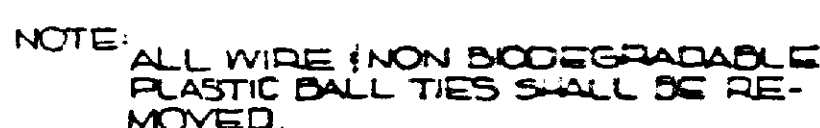


W. DUVALL & ASSOCIATES, INC.  
ENGINEERS - SURVEYORS - LAND PLANNERS  
530 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
(301) 583-9571

**OWNER/DEVELOPER**

RICHARD A. JONES  
3492 LOGANVIEW DRIVE  
BALTIMORE, MARYLAND 21222





1. Give inch rainfall is needed weekly for watering. In absence of the required rainfall forested filter strip to be watered sufficiently to meet the required quantity. Inspect weekly for watering needs.
2. Fertilize trees initially with 10-10-10 fertilizer according to planting site at a rate of 1/2 lb. per inch of canopy. Fertilize shrubs initially with 10-10-10 fertilizer applied to planting site at a rate of 1/4 lb. for each foot of height.
3. When trees and shrubs are established, fertilize yearly, early in the spring prior to new growth (mid March to mid April). Trees to be fertilized with 10-10-10 fertilizer at a rate of 1 lb. per inch caliber. Shrubs to be fertilized with 10-10-10 fertilizer at a rate of 1/2 lb. for each foot of height. For both trees and shrubs fertilizer to be applied in a series of 4 to 6 applications spaced 6 to 8 weeks apart. Fertilizer to be located at 2/3 the distance from trunk to drip line measured away from the trunk. The holes are to be 12" to 18" apart and the fertilizer is to be divided equally among the holes.
4. Inspect for disease when inspecting for water== needs
5. To control exotic, a stand of grass is to be established at twice the seedling rates required for the National Standards for Soil Erosion and Sediment Control dated 1983, as amended.
6. Measures for reduction of human disturbance are not anticipated to be necessary.
7. Required maintenance is to be done by the developer or his representatives.

**LANDSCAPING NOTES**

**Maintenance** - A three-year maintenance and warranty period shall be required.

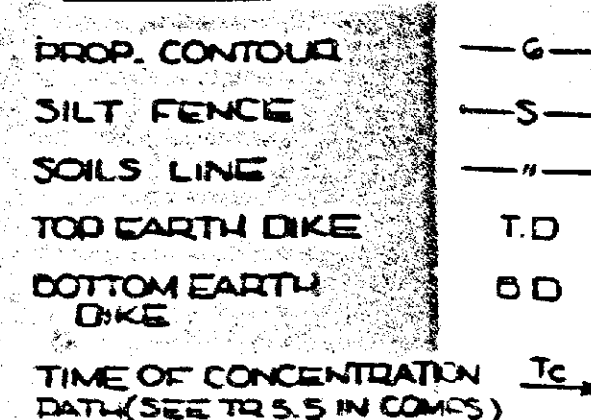
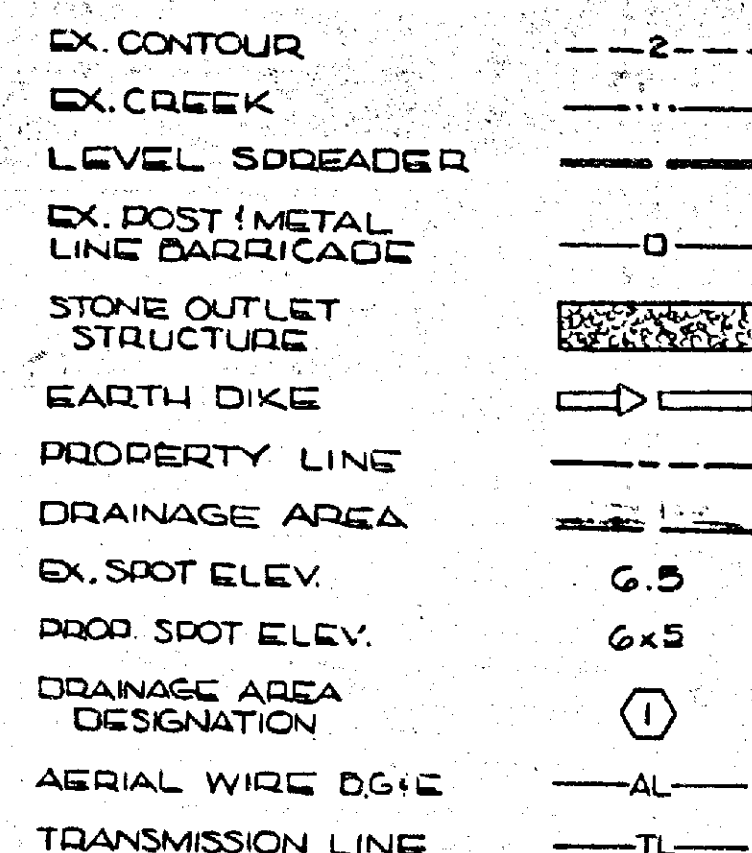
Plant Material - All nursery stock shall be planted in accordance with the American Association of Nurserymen, Inc. "American Standards for Nursery Stock," latest edition.

Plant Types - Plant types have been selected from the Bottomland Moist Association contained in Resolution 14-88. Any change in quantity, spacing and location of plants may require D.E.P.R.M. approval.

Mulching - All trees and shrubs shall be mulched a minimum of 18" beyond the edge of the root ball. All shrub masses shall be planted in continuous mulch beds.

## NOTES

1. 0.03 acre forested filter strip to be established offsite.
2. The proposed forested filter strip was designed based on The Chesapeake Bay Critical Area Contingency Plan and the Department of the Environment's Consensus Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area, Guidance Paper No. 5.
3. The proposed plantings are in accordance with County Council of Baltimore County, Maryland Resolution 14-06.
4. Topography shown hereon is taken from Baltimore County 200 Scale Topography and Aerial Photogrammetry Sheet S-5, 5-F.
5. Property lines shown hereon were taken from deeds and record plats.
6. Prior to commencing construction, property lines and existing barricade, pipes, etc. to be established in the field as necessary.










### TREE LIST

Symbol	Quantity	Botanical Name/ Common Name	Size and Condition	Spacing
⊗	3	Acer rubrum/ Red Maple	1"- 1 1/2" Cal. B. & B.	8' o.c.
⊕	2	Betula nigra/ River Birch	1"- 1 1/2" Cal. B. & B.	8' o.c.
⊗	2	Carya tomentosa/ Mockernut Hickory	Bare Root Seedling	8' o.c.
⊕	2	Myrica sylvatica/ Black Gum	Whip * B. & B.	8' o.c.
⊗	3	Platanus occidentalis/ Sycamore	Bare Root Seedling	8' o.c.
⊗	2	Quercus alba/ White Oak	Whip * B. & B.	8' o.c.
⊙	3	Quercus palustris/ Pin Oak	Whip * B. & B.	8' o.c.
TOTAL	17			

\* OR CONTAINED

### SMALL TREE AND SHRUB LIST

Symbol	Quantity	Botanical Name/ Common Name	Remarks, Size and Condition	Spacing
	3	Clethra alnifolia/ Sweet Pepperbush	12"-18" ht. Container or B. & B.	6' o.c.
	3	Cornus amomus/ Silky Dogwood	Whip B. & B.	6' o.c.
	6	Ilex opaca/ American Holly	3'- 4' Lal., B. & B.	6' o.c.
	6	Ilex verticillata/ Smooth Winterberry	50% Female, 24" to 30" ht., B. & B.	6' o.c.
	3	Leucothoe racemosa/ Fetter-Bush	12"-18" ht. Container	6' o.c.
	3	Rhododendron viscosum/ Swamp Azalea	12"-18" ht. Container or B. & B.	6' o.c.
	2	Viburnum nudum/ Smooth Witherod	12"-18" ht. Container or B. & B.	6' o.c.
TOTAL	<u>26</u>			

(FOREST ESTABLISHMENT  
PLAN FOR COMPLIANCE WITH  
THE 10% RULE IN THE CHESAPEAKE  
BAY CRITICAL AREA DESIGNATION,  
IDA)

12TH ELECTION DIST. BALTIMORE CO, MD.  
SCALE: AS SHOWN DATE: 6/4/90

SHEET 1 OF 2



**W. DUVALL & ASSOCIATES, INC.**  
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